

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

GILLIE GARCIA,

Plaintiff,

v.

2:24-CV-0886 JHR/DLM

FUN EATS AND DRINKS, LLC, *et al.*,

Defendants.

ORDER TO SHOW CAUSE

THIS MATTER is before the Court sua sponte. Plaintiff filed suit against numerous Defendants on July 16, 2024, and the case was removed to federal court on September 5, 2024.

Federal Rule of Civil Procedure 4(m) provides, in relevant part:

If a defendant is not served within 90 days after the complaint is filed, the court—on motion or on its own after notice to the plaintiff—must dismiss the action without prejudice against that defendant or order that service be made within a specified time. But if the plaintiff shows good cause for the failure, the court must extend the time for service for an appropriate period.

In removed cases, the time for tolling the 90-day period begins upon the date of removal. *See* 28 U.S.C. § 1448. More than 90 days have elapsed since this action was removed to district court, and there is no indication that—with the exception of Defendant Fun Eats and Drinks, LLC—any of the other defendants have been served.

Plaintiff is therefore directed to show cause why his case should not be dismissed without prejudice as to the unserved defendants—Michael R. Kelly and David E. Brouillete—for failure to comply with the service and time provisions of Rule 4(m). Plaintiff's response to the Court's Order to Show Cause should be filed no later than **January 6, 2025**.

IT IS SO ORDERED.



DAMIAN L. MARTINEZ
UNITED STATES MAGISTRATE JUDGE